

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HAAS MACHINE TOOLS, S.A.De C.V., :
Plaintiff, :
: 20-CV-9356 (JPC)
-v- :
BENNETT MOTOR EXPRESS, LLC and JULIETA A. :
ORDONEZ DE MENDEZ, :
Defendants. :
: ORDER
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JOHN P. CRONAN, United States District Judge:

The Court is in receipt of the parties' proposed stipulation and order pursuant to 28 U.S.C. § 1404(b), by which the parties seek to transfer this case to the United States District Court for the Southern District of Texas. 28 U.S.C. § 1404(b) provides that, “[u]pon motion, consent or stipulation of all parties, any action . . . may be transferred, in the discretion of the court, from the division in which pending to any other division in the same district.” Thus, § 1404(b) on its face does not permit transfer to another district, as the parties wish to do here.

The Court therefore declines to enter the parties' proposed order. If the parties wish to transfer this case, one or both parties should move under 28 U.S.C. § 1404(a), and should specifically explain why transfer would be warranted under that section. If the parties intend to file a motion to transfer, they should signal their intent to do so prior to the February 11, 2021 deadline for their pre-conference letter.

SO ORDERED.

Dated: February 8, 2021
New York, New York



JOHN P. CRONAN
United States District Judge